

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

2005 APR -4 A.M. 37

UNITED STATES DISTRICT COURT
DISTRICT OF MASS.

05
Criminal No. 04-10001-WGY

UNITED STATES

v.

GREGORY WRIGHT

**AFFIDAVIT OF COUNSEL
IN SUPPORT OF MOTION TO SUPPRESS EVIDENCE
OBTAINED FROM WARRANTLESS SEARCH**

I, Charles W. Rankin, do hereby state and depose as follows:

1. I am a member in good standing of the Bar of this Court.
2. Pursuant to the Criminal Justice Act, I have been appointed as counsel to the defendant in the above-captioned criminal case.
3. I make this affidavit upon personal knowledge.
4. Attached hereto as Exhibit 1 is a Boston Police Incident Report, dated 11/08/04, pertaining to the search and arrest of the defendant in this case. The United States provided me with this report in accordance with its automatic discovery obligations.

Signed under the pains and penalties of perjury on this date:

March 29, 2005


Charles W. Rankin, BBO No. 411780

BOSTON POLICE
INCIDENT REPORTORIGINAL SUPPLEMENTARY

KEY SITUATIONS		COMPLAINT NO 040608531	REPORT DIST. B3	CLEARANCE DIST.
TYPE OF INCIDENT FIREARM, CARRYING	CRIME CODE 0	STATUS A.11/08/04	DATE OF OCCUR. A.11/08/04	B. 11/08/04
LOCATION OF INCIDENT 1222 BLUE HILL AV		APT. 07:54 PM	DISPATCH TIME 07:54 PM	TIME OF OCCUR. A.07:54 PM

VICTIM-COMP. (LAST, FIRST, MI) COMMONWEALTH OF MASS	PHONE	SEX	RACE	MARITAL STATUS
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ADDRESS	APT.	OCCUPATION	AGE 0	D.O.B.
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PERSON REPORTING BROWN,GREGORY P.O.	ADDRESS 364 WARREN STREET,ROXBURY,MA,02119-0000	APT.	PHONE (617)-343-4444
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WAS THERE A WITNESS TO THE CRIME A					
PERSON INTERVIEWED	AGE	LOCATION OF INTERVIEW	APT.	HOME ADDRESS	APT. TELEPHONE <input checked="" type="checkbox"/> <input type="checkbox"/>
JONES,CRAIG P.O.	0	ON-SCENE		364 WARREN STREET-YVSF,ROXBURY,MA,02119-0000	(000)-000-0000 RES (617)-343-4444 BUS YES NO
OUTERBRIDGE,DEREK TROOPER	0	ON-SCENE		364 WARREN STREET-YVSF,ROXBURY,MA,02119-0000	(000)-000-0000 RES (617)-343-4444 BUS
MILLS,VANCE P.O.	0	ON-SCENE		364 WARREN STREET-YVSF,ROXBURY,MA,02119-0000	(000)-000-0000 RES (617)-343-4444 BUS
BORDLEY,MARK PO.	0	ON-SCENE		364 WARREN STREET-YVSF,ROXBURY,MA,02119-0000	(000)-000-0000 RES (617)-343-4444 BUS
SOMERVILLE,ARTHUR TROOPER	0	ON-SCENE		364 WARREN STREET-YVSF,ROXBURY,MA,02119-0000	(000)-000-0000 RES (617)-343-4444 BUS
CELESTER,LAWRENCE P.O.	0	ON-SCENE		364 WARREN STREET-YVSF,ROXBURY,MA,02119-0000	(000)-000-0000 RES (617)-343-4444 BUS
LOPES,STEVE TROOPER	0	ON-SCENE		364 WARREN STREET-YVSF,ROXBURY,MA,02119-0000	(000)-000-0000 RES (617)-343-4444 BUS
RAYE,MICHAEL P.O.	0	ON-SCENE		364 WARREN STREET-YVSF,ROXBURY,MA,02119-0000	(000)-000-0000 RES (617)-343-4444 BUS
FRIERE,MARK P.O.	0	ON-SCENE		364 WARREN STREET-YVSF,ROXBURY,MA,02119-0000	(000)-000-0000 RES (617)-343-4444 BUS
BROWN,JOHN P.O.	0	ON-SCENE		364 WARREN STREET-YVSF,ROXBURY,MA,02119-0000	(000)-000-0000 RES (617)-343-4444 BUS
FOLEY,TOM POLICE OFFICER	0	ON-SCENE		364 WARREN STREET-YVSF,ROXBURY,MA,02119-0000	(000)-000-0000 RES (617)-343-4444 BUS

NUMBER OF PERPETRATORS : 1 --- CAN SUSPECT BE IDENTIFIED AT THIS TIME B

P STATUS E ARRESTED	NAME (LAST, FIRST, MI) WRIGHT,GREG ROY	S.S. NO. 019-62-8500	BOOKING NO. 20040248103	PHOTO NO.	ALIAS	<input checked="" type="checkbox"/> <input type="checkbox"/>	YES NO
R WARRANT NO.	ADDRESS 107 OAK ST,RANDOLPH,MA,02368-0000	SEX MALE	RACE BLACK HISPANIC	AGE 25	HEIGHT 5-08	DOB 3/28/1979	
N SPECIAL CHARACTERISTICS(INCLUDING CLOTHING)		WEIGHT 195	BUILD STOCKY	HAIR BLACK	EYES BROWN		

CAN SUSPECT VEHICLE BE DESCRIBED C

V STATUS E SUSPECT VEHICLE	REG. STATE MA	REG. NO. 4812WP	PLATE TYPE PAN	YEAR(EXP)	MODEL ALERO	<input checked="" type="checkbox"/> <input type="checkbox"/>	YES NO
H VEHICLE MAKE YEAR OLDSMOBILE - 2002	VEHICLE NO.		STYLE SEDAN	COLOR(TOP-BOTTOM) BLACK - BLACK			
C OPERATOR'S NAME FOY,DAVID		LICENSE NO. NA	STATE NA	OPERATOR'S ADDRESS 222 WESTVIEW STREET,DORCHESTER,MA,02124-0000			
S OWNER'S NAME SAME			OWNER'S ADDRESS				

CAN PROPERTY BE IDENTIFIED D

P STATUS	TYPE OF PROPERTY	SERIAL OR I-DENTI-GUARD NO.	BRAND NAME-DESCRIPTION	MODEL	VALUE	UCR <input checked="" type="checkbox"/> <input type="checkbox"/>	YES NO
R SEIZED	FIREARMS	4248698	PHOENIX ARMS - .22 CALIBER	HP-22A			
R SEIZED	AMMUNITION		- 6 LIVE ROUNDS .22 CALIBER				

IS THERE A SIGNIFICANT M.O. E

M TYPE OF WEAPON-TOOL HANDGUN	NEIGHBORHOOD RESIDENCE/HOME	TYPE OF BUILDING N/A	PLACE OF ENTRY N/A	<input checked="" type="checkbox"/> <input type="checkbox"/>	YES NO
O WEATHER CLEAR	LIGHTING STREET LIGHTS	TRANSPORTATION OF SUSPECT CAR	VICTIM'S ACTIVITY		
UNUSUAL ACTIONS AND STATEMENTS OF PERPETRATOR FLED CLUTCHING HOODIE POCKET			RELATIONSHIP TO VICTIM		

IS THERE ANY PHYSICAL EVIDENCE (DESCRIPTION AND DISPOSITION IN NARRATIVE) F

004

YES NO

IS THERE ANY OTHER REASON FOR INVESTIGATION (REASON BELOW)

BLOCK NO. MEMBERS OF THE YOUTH VIOLENCE STRIKE FORCE OFFICERS G.BROWN,C.JONES AND TROOPER OUTERBRIDGE ASSIGNED THE VK04 ALONG WITH OFFICERS V.MILLS,M.BORDLEY,TROOPER SOMERVILLE(VK09),OFFICERS L.CELESTER,M.RAYE,TROOPER S.LOPES(VK08),AND OFFICERS T.FOLEY,J.BROWN,M.FRIERE(VK02) WHILE MONITORING GANG ACTIVITY IN THE AREA OF 1216 BLUE HILL AVE (AN LOCATION KNOWN TO THE OFFICERS FOR HIGH FIREARM AND DRUG RELATED OFFENSES) MADE THE FOLLOWING OBSERVATIONS.OFFICER WHILE SLOWLY TRAVELING IN THEIR UNMARKED MOTOR VEHICLE OBSERVED THE ABOVE DESCRIBED SUSPECTS' VEHICLE PARTIALLY PARKED OBSTRUCTING THE PARKING LOT ENTRANCE/EXIT AT 1216 BLUE HILL AVE.OFFICERS G.BROWN,C.JONES AND TROOPER OUTERBRIDGE DROVE PAST THE PARKED VEHICLE AND THE REAR SEAT PASSENGER(GREGORY WRIGHT) LEANED FORWARD AS IN A MANNER TO GAUGE THE OFFICERS DIRECTION OF TRAVEL.THE SUSPECT(GREGORY WRIGHT) UPON OBSERVING THE OFFICERS' VEHICLE PROCEEDED PAST THE CAR HE WAS SEATED IN IMMEDIATELY OPENED THE RIGHT REAR PASSENGER SIDE DOOR AND EXIT.THE SUSPECT UPON STANDING UP GRABBED THE RIGHT SIDE OF THE POCKET ON HIS HOODED SWEATSHIRT AND BEGAN TO FLEE ON FOOT UP BLUE HILL AVE.THE SUSPECT'S ACTIONS WERE ALSO BEING OBSERVED BY OFFICERS V.MILLS,M.BORDLEY,T.FOLEY,J.BROWN,L.CELESTER,M.FRIERE AND TROOPERS SOMERVILLE,OUTERBRIDGE AND RAYE.BASED ON THE LOCATION WHERE THE OFFICERS WERE MONITORING AND THEIR TRAINING,KNOWLEDGE AND EXPERIENCE IN FIREARM INVESTIGATIONS AND CHARACTERISTICS OF ARMED GUNMEN THEY BELIEVED THE SUSPECT WAS ARMED WITH A FIREARM.OFFICERS MADE SEVERAL VERBAL COMMANDS TO THE SUSPECT " STOP POLICE" TO NO AVAIL.THE SUSPECT CONTINUED RUNNING IN THE DIRECTION OF CLARKWOOD STREET WHILE MAINTAINING THE CLUTCH ON THE RIGHT SIDE OF HIS HOODED JACKET POCKET AND ATTEMPTING TO PULL AN OBJECT FROM THAT SAME POCKET.OFFICERS DETAINED THE SUSPECT AT 1222 BLUE HILL AVE AND ATTEMPTED TO CONDUCT A THRESHOLD INQUIRY AND PAT FRISK OF THE SUSPECT'S SWEATSHIRT AND WAIST AREA FOR THE PRESENCE OF A WEAPON.THE SUSPECT VIOLENTLY RESISTED THE OFFICERS SWINGING HIS ARMS AND KICKING HIS LEGS.OFFICERS GRABBED HOLD OF THE SUSPECT IN ATTEMPT TO CONTROL HIM AS HE AGAIN ATTEMPTED TO PLACE HIS HAND INSIDE HIS SWEATSHIRT POCKET.OFFICERS USED EMPTY HAND TACTICS TO TAKE THE SUSPECT TO THE GROUND IN A PRONE POSITION TO HANDCUFF HIM FOR THEIR SAFETY.THE SUSPECT WAS HANDCUFFED AND OFFICER CELESTER RECOVERED A LOADED SILVER- COLORED SEMI-AUTOMATIC HANDGUN WITH BLACK GRIPS FROM THE SUSPECT'S HOODED SWEATSHIRT POCKET.THE FIREARM WAS LOADED WITH FIVE LIVE .22CALIBER ROUNDS IN THE MAGAZINE AND ONE LIVE .22CALIBER ROUND IN THE CHAMBER, SERIAL #4248698, MADE BY PHOENIX ARMS, MODEL HP-22A.THE FIREARM WAS TAKEN BY DETECTIVE TYRONE CAMPER OF THE BALLISTIC UNIT FOR TESTING.THE SUSPECT SUSTAINED A MINOR ABRASION TO HIS FOREHEAD AND RIGHT HAND DURING THE VIOLENT STRUGGLE WITH THE OFFICERS.HE WAS TREATED BY HEALTH AND HOSPITALS AT AREA B-3.SUSPECT PREVIOUSLY CONVICTED IN DORCHESTER COURT ON 04/19/2000 FOR POSSESSION OF A FIREARM AND POSSESSION OF AMMUNITION,DOCKET#9907CR8195 .SUSPECT TO BE CHARGED WITH POSSESSION FIREARM-SECOND AND SUBSEQUENT OFFENSE.SUSPECT TRANSPORTED TO AREA B-3 FOR BOOKING PROCEDURES. DAVID FOY AND OMAR EDWARDS(10/28/78) WERE FIRED AND RELEASED.OMAR EDWARDS WAS KNOWN TO THE OFFICERS AND WAS SHOT IN AUGUST 2004 IN THE AREA OF WOOLSON AND BLUE HILL AVE. SUFFOLK COUNTY DISTRICT ATTORNEY OFFICE WAS NOTIFIED(ADA JEFFREY CLIFFORD).

G
 YES NO

UNIT ASSIGNED VK04	TOUR OF DUTY 3	REPORTING OFFICER'S NAME GREGORY BROWN	REPORTING OFFICER'S ID 10245	PARTNER'S ID 9758	FI NO
DATE OF REPORT 11/08/04	SPECIAL UNITS NOTIFIED(REPORTING) D.A. OFFICE			TELETYPE NO.	
TIME COMPLETED 10:21 PM	PATROL SUPERVISOR NAME	PAT. SUP. ID	DUTY SUP. NAME MICHAEL V KERN	DUTY. SUP. ID 11620	

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